

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:14-CR-65-D-1  
No. 4:20-CV-108-D

COURTNEY CORTEZ FOYE, )  
Petitioner, )  
v. ) ORDER  
UNITED STATES OF AMERICA, )  
Respondent. )

This matter is before the Court on the parties' joint motion to set a briefing schedule on Petitioner's motion pursuant to 28 U.S.C. § 2255 seeking vacatur of his conviction under 18 U.S.C. § 922(g) based on *United States v. Rehaif*, 139 S. Ct. 2191 (2019). For the reasons set forth in the parties' joint motion, the motion is GRANTED.

It is further ORDERED that:

- (a) Counsel for Petitioner shall make every effort to file any withdrawal of Petitioner's *Rehaif*-based Section 2255 no later than September 13, 2021;
- (b) Respondent's motion to dismiss and supporting memorandum shall be due by October 13 unless Petitioner's motion is withdrawn before then;
- (c) Petitioner's response, if any, shall be due within twenty-one (21) days of the filing of Respondent's motion to dismiss;

(d) Respondent's reply, if any, shall be due within fourteen (14) days after Petitioner's response.

This the 21 day of July, 2021.

J. Dever  
James C. Dever III  
United States District Judge